

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARY VAN BRUNT-PIEHLER,

Plaintiff,

v.

ABSOLUTE SOFTWARE, INC., et al.,

Defendants.

AMENDED SCHEDULING ORDER

16-CV-6313W

Pursuant to the joint oral request of the parties to extend the deadlines contained in this Court's August 23, 2016 Scheduling Order (Docket #13) during the January 11, 2017 status conference with the Court, it is ORDERED that:

1. Defendants shall produce electronically stored information collected from the agreed-upon custodians pursuant to the search protocol agreed to by the parties during the status conference with the Court on January 11, 2017, on or before **February 17, 2017**. Plaintiff shall review the production and respond with any proposed modifications to the search protocol on or before **March 17, 2017**. The parties shall meet and confer regarding any modifications to the search protocol and complete such conferral process on or before **March 31, 2017**. Defendants shall provide any supplemental production of electronically stored information pursuant to any modifications of the search protocol on or before **May 12, 2017**.

2. All motions to join other parties and to amend the pleadings shall be filed on or before **June 30, 2017**. Any third party action shall be commenced on or before **June 30, 2017**.

3. All factual discovery in this case, including depositions, shall be completed on or before **August 31, 2017**. All motions to compel discovery shall be filed at least thirty (30) days prior to the factual discovery cutoff.

4. Plaintiff shall identify any expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2)(A) and provide reports pursuant to Rule 26(a)(2)(B) and/or disclosures pursuant to Rule 26(a)(2)(C) by **August 31, 2017**. Defendants shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by **October 2, 2017**. Parties shall complete all discovery relating to experts, including depositions, by **October 31, 2017**.

5. Dispositive motions, if any, shall be filed no later than **January 2, 2018**. Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Wolford.

6. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested,

any affirmative defenses and any relationship the case may have to other pending actions.

- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.



MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
January 11, 2017